

**Enrolled Minutes of the Seventy-Seventh Regular or Special Meeting  
For the Twenty-Seventh Highland Town Council  
Regular Meeting  
Monday, January 26, 2015**

*Study Session.* The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, January 26, 2015 at 6:40 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Mark Herak, Steve Wagner, Konnie Kuiper and Dan Vassar were present. Councilor Bernie Zemen was absent owing to ill health. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed Ordinance No. 1583 an ordinance to amend the current snow removal regulations for sidewalks, adding a prohibition of discharging snow in the public ways.
3. The Town Council President reported that arranged for a brief meeting with he and Councilor Wagner, to interview regarding their reappointment and to allow Councilor Wagner to become acquainted with incumbent members of the Redevelopment Commission, Dominic Noce, Greg Kuzmar, and James Kessler. He further indicated that all members of the Town Council were welcome to attend.
4. The Town Council discussed Councilor Kuiper's inquiry whether delaying consideration of the ordinance to approve the proposed Sanitary District Bond would assist with the on-going negotiations with the City of Hammond Sanitary District.

The study session ended at 7:00 O'clock p.m.

*Regular meeting.* The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, January 26, 2015 at 7:02 clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Mark A. Herak, presided and the Town Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. The meeting was opened with Councilor Dan Vassar reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Mark A. Herak, Steve Wagner, Konnie Kuiper and Dan Vassar. Councilor Bernie Zemen was absent owing to ill health. The Clerk-Treasurer, Michael W. Griffin memorialized the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; William R. Timmer, Jr., CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner; and Cecile Petro, Redevelopment Director were present.

With leave from the Council, the Council President acknowledged the health concerns of Councilor Zemen, now home, but recovering from a difficult MRI procedure and

Community Events Commissioner Karen Ziants, who was hospitalized for treatment of complications associated with a stroke.

**Minutes of the Previous Meetings:**

The minutes of the regular meeting of 12 January 2015 were approved by general consent.

**Special Orders:**

1. **Plan Commission Docket No. 2014-08: Proposed Ordinance No. 1581:** Petitioner seeking an amendment to the governing Planned Unit Development (PUD) Ordinance involving property located at 10138 Indianapolis Boulevard, Highland, commonly referred to as Meijer Out lot C, currently zoned B-3 Planned Unit Development District, petitioner seeks an Amended B-3 PUD zoning designation. Petitioner: Birch II Property Group, LLC, by its attorney, Greg Bouwer, 425 Joliet Street, Dyer, Indiana, 46311. The matter was certified by the Municipal Plan Commission with a **favorable** recommendation, by a vote of six (6) in favor, no opposed. Taken up by the Town Council, *pursuant to IC 36-7-4-1505 (c) and Chapter 18.70 of the Highland Municipal Code. It is noted the Town Council may adopt and amend a PUD district ordinance in the same manner IC 36-7-4-602(c) (1) (B). (Also see IC 36-7-4-608(f)).*
  - (A) The Clerk-Treasurer read aloud the Certification of Action by the Plan Commission regarding the requested proposed amendment to the existing Meijer PUD Ordinance. It was noted that Findings of Fact accompanied the certification.
  - (B) Proposed **Ordinance No. 1581** of the Town of Highland, Amending the Ordinance Approving the Planned Unit Development for Meijer's in Highland. *(90 days tolls on 17 March 2015) It was noted that pursuant to IC 36-5-2-9.8(b)(1), an ordinance to amend the zoning maps was not subject to any special rules on the night of its introduction. A majority vote of the entire Council is all that is required to pass an ordinance, pursuant to IC 36-5-2-9.6)*

Councilor Wagner moved the passage and adoption of Ordinance No. 1581, seconded by Councilor Kuiper, approving the requested zoning amendment as requested by the petitioner. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The ordinance approving the zoning map amendment was adopted.

**ORDINANCE No. 1581  
OF THE TOWN OF HIGHLAND**

**An Ordinance Amending the Zoning Map of the Comprehensive Zoning Ordinance Passed by the Town Council of the Town of Highland, Lake County, Indiana, on the 22<sup>nd</sup> of November, 1999, to be Effective on the 1<sup>st</sup> day of July, 2000, Reclassifying an Area in the Town of Highland, Lake County Indiana from a B-3 PUD District to an Amended B-3 PUD District.**

**WHEREAS**, The Town Council of the Town of Highland, Indiana, did on the 22<sup>nd</sup> day of November, 1999, pass a certain zoning ordinance which is now in full force and effect, and which is also known as Ordinance Nos. 1126 as amended by 1127.1126-A, together with all amendments thereof and supplements thereto; and

**WHEREAS**, The Petition and Application for said proposed amendment was transmitted to Highland Plan Commission by BIRCH II Property Group, LLC, by its Attorney, and a public hearing was held thereon according to said Ordinance Nos. 1126 as amended by 1127.1126-A, and said Commission recommends favorable approval; and

**WHEREAS**, After due consideration and study, the Town Council of said Town does believe that said amendment will be advantageous to said Town and will insure the public health, safety, welfare and morals of the citizens thereof in the area affected,

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of Town of Highland, Lake County, Indiana:

**Section 1.** That the following described property located in the Town of Highland, Lake County, Indiana, which is presently designated as being "B-3 PUD" General Business Planned Unit Development District as defined by Ordinance No. 1126 as amended of the Town of Highland, Lake County, Indiana, which property is more particularly described as follows:

**Parcel Description**

Part of the Northeast Quarter of the Southeast Quarter of Section 32, Township 36 North, Range 9 West of the Second Principal Meridian and being part of Meijer Plat, said plat as shown in Plat Book 82, Page 94 in the Office of the Recorder, Lake County, Indiana, being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 32; thence North 89 degrees 13 minutes 56 seconds West along the North line of said Southeast Quarter, a distance of 84.97 feet to the West Right-of-Way line of U.S. Highway 41 (Indianapolis Boulevard); thence South 04 degrees 08 minutes 30 seconds East along said West Right-of-Way line, a distance of 457.65 feet to the North line of a parcel described in a Quit-Claim Deed as recorded said Recorder's Office as Document No. 98075994; thence South 89 degrees 56 minutes 34 seconds West along said North line, a distance of 14.85 feet to the West line of said parcel; thence South 00 degrees 03 minutes 22 seconds East along said West line, a distance of 221.63 feet to the Point of Beginning; thence continuing South 00 degrees 03 minutes 22 seconds East along said West line, a distance of 245.00 feet; thence South 00 degrees 31 minutes 38 seconds West along said West line, a distance of 21.62 feet; thence South 89 degrees 53 minutes 57 seconds West parallel with the South line of Taco Bell Addition as recorded in Plat Book 107 Page 42, in the Office of the Recorder of Lake County, Indiana, a distance of 205.00 feet; thence North 00 degrees 03 minutes 22 seconds West parallel with said West Right-of-Way line, a distance of 310.00 feet to a point that is 70.00 feet South of said Taco Bell Addition; thence North 89 degrees 53 minutes 57 seconds East along a line parallel with the South line of said Taco Bell Addition, a distance of 160.00 feet; thence South 46 degrees 16 minutes 00 seconds East, a distance of 62.64 feet to the Point of Beginning, containing 1.44 acres, more or less, all in Lake County Indiana.

More commonly known as 10138 Indianapolis Boulevard, Highland, IN 46322.

**Section 2.** That the Zoning Map which accompanies the Comprehensive Zoning Ordinance, and which is part thereof, shall be amended and changed so as to include the "Amended B-3 PUD" General Business Planned Unit Development District on the specific parcel of the real estate hereinabove described, all of which was formerly-3 PUD" General Business Planned Unit Development District, and henceforth those regulations and rules governing the "B-3 PUD" General Business Planned Unit Development District shall apply to the specific parcel of real estate hereinabove described, respectively;

**Section 3.** That the Town Engineer is hereby ordered to make the appropriate map change and that said Ordinance Nos. 1126 as amended by 1127.1126-A, together with all amendments thereof and supplements thereto be, and the same is hereby amended accordingly;

**Section 4.** That an emergency exists for the immediate taking effect of this amendment, and the same shall be in full force and effect and after its passage.

***Certificate of the Municipal Plan Commission***

It is hereby certified that the foregoing proposed zoning amendment was considered at a regular or special meeting by the Highland Municipal Plan Commission, having sustained a vote of 6 in favor and 0 opposed, and was duly forwarded with a favorable recommendation for adoption to the Town Council of Highland by the Highland Municipal Plan Commission, on 17<sup>th</sup> day of December 2014.

**TOWN OF HIGHLAND  
Municipal Plan Commission**

Thomas Vander Woude, President

**Attest:**

Mario Martini, Secretary

***Action by Legislative Body***

Duly Ordained and Adopted pursuant to the provisions of I.C. 36-5-2-9.8(b)(1), the recommendation of the Plan Commission is noted and the Ordinance is hereby (adopted/~~defeated~~) by the Town Council of the Town of Highland, Lake County, Indiana, this 26th day of January 2015, having sustained by a vote of 4 in favor and 0 opposed in support of the (adoption/~~defeat~~) herein described.

**TOWN COUNCIL OF THE  
TOWN OF HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

## Appointments:

### Legislative Appointments

#### Home Rule Commissions

##### 1. Community Events Commission:

(1) appointment to be made by the Town Council. **Term: 4 years.** (*Note: vacancy, the term of which expired 1 January 2014, unexpired term*)

(1) appointment to be made by the Town Council. **Term: 1 year.**

Councilor Vassar moved, seconded by Councilor Kuiper the re- appointment of **Sonyelle Clark**, 9204 Southmoor Avenue, Highland to the Community Events Commission. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Sonyelle Clark was re-appointed.

### Unfinished Business & General Orders:

##### 1. Proposed Ordinance No. 1582: An Ordinance Of The Town Council Of The Town Of Highland, Indiana, Approving The Issuance Of Bonds By The Town Of Highland Sanitary District, And Addressing Other Matters Related Thereto.

Councilor Vassar introduced and moved the consideration at the same meeting of its introduction of Ordinance No. 1582. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption at the same meeting of its introduction of Ordinance No. 1582. Councilor Wagner seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

#### ORDINANCE NO. 1582

#### AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND, INDIANA, APPROVING THE ISSUANCE OF BONDS BY THE TOWN OF HIGHLAND SANITARY DISTRICT, AND ADDRESSING OTHER MATTERS RELATED THERETO

**WHEREAS**, The Town of Highland Sanitary District (the "District") proposes to issue one or more series of bonds pursuant to IC 36-9-25 (the "Bonds"), for purposes of financing the design and construction of various sanitary district sewage works improvements in the District, including the following projects: (1) construction of an 8.5 million gallon, pre-stressed, precast concrete storage tank for temporary off-line storage of excess sanitary flows that occur in the 5<sup>th</sup> Street Basin during heavier rainfall events; (2) construction of a new 5<sup>th</sup> Street Sanitary Lift Station and wet well having a firm pumping capacity of 23.1 million gallons per day; (3) construction of approximately 3800 lineal feet of 36-inch Interceptor Sewer in 5<sup>th</sup> Street from LaPorte Street north to the site of the new storage tank and lift station at the north end of 5<sup>th</sup> Street; and to pay the expenses incurred in connection with or on account of the issuance of the Bonds (collectively, the "Projects"); and

**WHEREAS**, The Town Council desires to approve the issuance of the Bonds,

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND, INDIANA**, as follows:

**Section 1. Approval of Bonds.** The Town Council hereby approves the issuance by the District of Special Taxing District Bonds not to exceed \$19,000,000 in aggregate principal amount of its bonds to provide for the financing of the Projects and related costs. The interest rate on the Bonds to be issued by the District shall not exceed six percent (6.0%) per annum. A portion of the Bond proceeds may be applied to pay capitalized interest on the Bonds if determined to be necessary or appropriate by the President of the District

with the advice the District's financial advisor. The final maturity date of the Bonds shall not be later than twenty (20) years after their date of issuance. The Bonds may be subject to redemption prior to maturity on terms determined by the District prior to the sale of the Bonds, with the advice of the District's financial advisor. The Bonds shall be payable from a special tax levy of the District;

**Section 2. Authorization of Other Actions.** The President of the Town Council, any member of the Town Council, and the Clerk-Treasurer of the Town, and any other officer, employee or agent of the Town, is hereby authorized and directed, for and on behalf of the Town, to execute and deliver any contract, agreement, certificate, instrument or other document and to take any action as such person determines to be necessary or appropriate to accomplish the purposes of this Ordinance, such determination to be conclusively evidenced by such person's execution of such contract, agreement, certificate, instrument or other document or such person's taking of such action.

**Section 3. Effective Date.** This Ordinance shall be in full force and effect from and after its passage by the Town Council as required by law.

Introduced on the 26<sup>th</sup> day of January 2015. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 26th Day of January 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

2. **Proposed Ordinance No. 1583:** An Ordinance To Amend Chapter 8.05 of the Highland Municipal Code Regarding Duties for Snow Removal on Public Sidewalks and Regulating its Placement, Deposit or Discharge All Pursuant To IC 36-1-5 Et Seq.

Councilor Wagner introduced and moved the consideration at the same meeting of its introduction of Ordinance No. 1583. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Wagner moved the passage and adoption at the same meeting of its introduction of Ordinance No. 1583. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

**ORDINANCE No. 1583  
of the  
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE To AMEND Chapter 8.05 of the Highland Municipal Code Regarding Duties for Snow Removal on Public Sidewalks and Regulating its Placement, Deposit or Discharge All Pursuant TO IC 36-1-5 ET SEQ.**

**WHEREAS**, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

**WHEREAS**, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

**WHEREAS**, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications desirable to further improve and perfect the Code; and

WHEREAS, The Town Council, is persuaded that it is necessary and desirable to adopt the several technical and substantive modifications not confined to any particular Title, Article or Chapter to further improve and perfect the Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That Section 8.05.020 of the Highland Municipal Code be hereby repealed in its entirety and amended to include a successor section, to be styled Section 8.05.020, which shall read as follows:

**8.05.020 Removal of snow by abutting property owners; street deposits prohibited.**

(A) No property owner shall permit snow to accumulate and remain on the sidewalks in front or on the side of his/her property for a period longer than forty-eight (48) hours, following the end of a snowfall event;

(B) No person shall direct, deposit or place snow removed from any sidewalk, public or private, or private driveway, inclusive of the driveway apron located upon the public right-of-way, upon or onto any public road, street or alley;

(C) No person shall direct, deposit or place snow upon any parkway located within the public right-of-way except those that are adjacent and contiguous to the private property from which the snow is being removed.

**Section 2.** That this ordinance shall be effective from and after its passage and adoption as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on the 26<sup>th</sup> day of January 2015. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 26<sup>th</sup> Day of January 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5;IC 36-5-2-10.2)

- 3. Resolution No. 2015-03:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 and Section 3.20.040 of the Highland Municipal Code for the Sanitary District Exempt Bond and Interest Fund.

Councilor Wagner moved the passage and adoption of Resolution No. 2015-03. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND  
RESOLUTION NO. 2015-03

**A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4 AND SECTION 3.20.040 OF THE HIGHLAND MUNICIPAL CODE FOR THE SANITARY DISTRICT EXEMPT BOND AND INTEREST FUND**

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Sanitary District Exempt Bond and Interest Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Rainy Day Fund** that can be temporarily transferred;

Now, Therefore **Be it Resolved** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the amount of **\$124,133.38** be borrowed for the **Sanitary District Exempt Bond and Interest Fund** with the amount of **\$124,133.38** to be loaned by the **Rainy Day Fund**;

**Section 2.** That said loan in the amount of **\$124,133.38** be repaid to the **Rainy Day Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Sanitary District Exempt Bond and Interest Fund** with such loan to be repaid no later than December 31, 2015, subject to IC 36-1-8-4(b).

**Section 3.** That pursuant to Section 3.20.040 (B)(4), the Town Council determines that no interest be imposed or due in consequence of this temporary loan.

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 26<sup>th</sup> day January 2015. Having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark Herak, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

4. **Resolution No. 2015-04:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 and Section 3.20.040 of the Highland Municipal Code for the Park District Exempt Bond and Interest Fund.

Councilor Kuiper moved the passage and adoption of Resolution No. 2015-04. Councilor Wagner seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND  
RESOLUTION NO. 2015-04**

**A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4 FOR THE  
PARK DISTRICT EXEMPT BOND AND INTEREST FUND**

**Whereas,** The Clerk-Treasurer has advised the Town Council that cash balance in the **Park District Exempt Bond and Interest Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

**Whereas,** The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Municipal Cumulative Capital Development Fund** that can be temporarily transferred;

**Now, Therefore Be it Resolved** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the amount of **\$1,049.10** be borrowed for the **Park District Exempt Bond and Interest Fund** with the amount of **\$1,049.10** to be loaned by the **Municipal Cumulative Capital Development Fund**;

**Section 2.** That said loan in the amount of **\$1,049.10** be repaid to the **Municipal Cumulative Capital Development Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Park District Exempt Bond and Interest Fund** with such loan to be repaid no later than December 31, 2015, subject to IC 36-1-8-4(b).

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 26<sup>th</sup> day January 2015. Having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark Herak, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

5. **Resolution No. 2015-05:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 and Section 3.20.040 of the Highland Municipal Code for the Corporation Exempt Bond and Interest Fund.

Councilor Wagner moved the passage and adoption of Resolution No. 2015-05. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND  
RESOLUTION NO. 2015-05

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4 FOR THE CORPORATION EXEMPT BOND AND INTEREST FUND.

**Whereas,** The Clerk-Treasurer has advised the Town Council that cash balance in the **Corporation Bond Exempt Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

**Whereas,** The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Municipal Cumulative Capital Development Fund** that can be temporarily transferred;

**Now, Therefore Be it Resolved** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the amount of \$738.20 be borrowed for the **Corporation Bond Exempt Fund** with the amount of \$738.20 to be loaned by the **Municipal Cumulative Capital Development Fund**;

**Section 2.** That said loan in the amount of \$738.20 be repaid to the **Municipal Cumulative Capital Development Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Corporation Bond Exempt Fund** with such loan to be repaid no later than December 31, 2015, subject to IC 36-1-8-4(b).

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 26<sup>th</sup> day January 2015. Having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark Herak, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Renewal for the Workers Compensation Plan**, effective February 1, 2015, with Indiana Public Employers Plan (IPEP) as presented by Brown Insurance Group. *The proposed premium or "contribution" is estimated to be \$84,238. This represents a decrease of 9% under the previous year.*

Councilor Vassar moved to authorize and approve the renewal of the Workers Compensation Plan as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Workers Compensation Plan was renewed as indicated.

7. Action proposal for renewal of Underground Tank Insurance as presented by Brown Insurance Group. Colony Insurance is underwriter. Action would be for the period 1/1/2014 through 01/01/2015. The Town is being offered \$1,000,000 of broad form coverage for a premium of \$1,946 plus \$51.15 in surplus lines tax and an special policy fee of \$100. This represents a total cost of \$2,097.15, which represents a decrease from the prior years.

Councilor Wagner moved to authorize and approve the renewal of the underground tank insurance as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The underground tank insurance renewal was approved as indicated.

8. **Works Board Order No. 2015-01:** An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Lakeshore Ford of Chesterton, IN (2) two 2015 Ford Utility Police Interceptor Base, pursuant to I.C. 5-22-8-2.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2015-01. Councilor Wagner seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland  
Board of Works  
Order of the Works Board 2015-01**

**An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Lakeshore Ford of Chesterton, IN through the State of Indiana (2) two 2015 Ford Utility Police Interceptor Base, pursuant to I.C. 5-22-8-2.**

**Whereas,** The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

**Whereas,** The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$150,000.00;

**Whereas,** The Metropolitan Police Chief has identified Lakeshore Ford of Chesterton, IN through the State of Indiana to be a desirable source vendor for the purchase of two (2) 2015 Ford Utility Police Interceptor Base at price of \$\$26,102 for a total of \$52,204;

**Whereas,** The price for the purchase exceeds **\$15,000.00** and, pursuant to Section 3.05.040 (C) as well as Section 3.05.050 (B)(2) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency; and

**Whereas,** The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1)(b) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

**Whereas,** The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

**Whereas,** The Purchasing Agent, pursuant to Section 3.05.060 (F)(1) of the Highland Municipal Code, expected that the purchase would be at least \$50,000.00 but not more than \$150,000, and therefore could have solicited quotes from at least three vendors known to deal in the lines or classes of supplies to be purchased;

**Whereas,** The Purchasing Agent, elected instead to seek formal bids pursuant to Section 3.05.060 (H) of the Highland Municipal Code, with bids opened and read aloud on December 4, 2014, the results of such bids is as follows:

**(A) Lake Shore Ford, 244 Melton Road, Chesterton, Indiana, at a unit price of \$26,102 each and a total price of \$52,204; and**

**(B) Art Hill Ford, 901 W. Lincoln Highway, Merrillville, Indiana, at a unit price of \$31,365 each that would provide a total price of \$62,730;**

**Whereas,** The purchase of the vehicles will be supported by a duly approved appropriation in the Metropolitan Police Department of the Corporation General Fund;

**Whereas,** The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein.

**Now, Therefore Be It Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1.** That the Works Board hereby authorizes and approves the purchase from Lakeshore Ford of Chesterton for the purchase of two (2) 2015 Ford Utility Police Interceptors;

**Section 2.** That the Works Board hereby finds and determines that the offer from Lakeshore Ford of Chesterton to be the lowest responsive and responsible offered at the unit price of \$26,102 each and a total price of \$52,204, all pursuant to IC 5-22 and **Section 3.05.060 (F)(3)** of the Highland Municipal Code;

**Section 3.** That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

**Be It So Ordered.**

**DULY, PASSED, ADOPTED AND ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 26<sup>th</sup> day of January 2015 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL OF THE  
TOWN OF HIGHLAND, INDIANA**

**Mark A. Herak, President (IC 36-5-2-10)**

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer

**Comments or Remarks from the Town Council:**

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • Liaison to the Park and Recreation Board • Liaison to the Town Board of Metropolitan Police Commissioners.*

Was absent owing to his health.

- **Councilor Dan Vassar:** *•Redevelopment Commission Liaison.*

Councilor Vassar thanked and congratulated the Police Chief, the Fire Chief and the School Superintendent for their execution of the response plan to a recent telephoned bomb or shooting threat to the High School. It was later determined to be a prank but continues to be investigated.

Councilor Vassar acknowledged the Redevelopment Director who reported in the progress of the Tom Foolery Show, a programmed fundraising event to support the Town Theatre Restoration and Rehabilitation Project, set for February 20, 2015.

- **Councilor Steve Wagner:** *Information Technology Liaison • Liaison to the Advisory Board of Zoning Appeals.*

Councilor Wagner also commented favorably on the actions of the Fire and Police in responding to the telephone bomb or shooting threat at the Highland High School.

Councilor Wagner acknowledged the IT Consultant (contractor) who reported that the conversion for VOIP telephone service delivered by COMCAST would be introduced to the Police Department, on Thursday, January 29.

- **Councilor Konnie Kuiper:** *Fire Department Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who offered a brief survey of the town wide response plan executed with the recent telephone bomb or shooting threat at the Highland High School. The Fire Chief further noted that there was a

meeting of the public safety leaders and the school leaders to discuss the event and to assay ways to improve the plan for future events.

- **Council President Mark Herak:** • *Municipal Executive* • *Chairman of the Board of Trustees of the Police Pension Fund (1925 Law)* • *Liaison to the Board of Waterworks Directors* • *Budget and Finance Chair* • *Liaison to the Board of Sanitary Commissioners* • *Liaison to the Community Events Commission.*

The Council President acknowledged the Parks and Recreation Superintendent who reported on a recent special needs joint recreation event and the forthcoming annual Daddy- Daughter Dance.

The Council President acknowledged the Public Works Director who offered a survey of Waterworks and Sanitation Capital Projects.

#### **Comments from Residents and Visitors:**

1. Rick Volbrecht, 9221 Parkway Drive, Highland, expressed concerns regarding the portion of Ordinance No. 1583 that included the requirement of property holders to remove snow from the public sidewalk contiguous to the owner's property. Mr. Volbrecht expressed his concern regarding the absence of any exceptions, such as medical condition of the owner, whether the provision caused added liability for the property holder, and who was responsible for enforcement.
2. David Stanish, \_\_\_\_\_ Grand Boulevard, Highland, expressed concerns about the provisions dealing with the sidewalk snow removal requirement in Ordinance No. 1583. Mr. Stanish inquired about the effects of a period of daily snowfall, and affordability for the resident.

It was noted that the provision requiring owners to remove snow from contiguous sidewalks was not a new one and in fact was in force for many years. The ordinance amended in a new prohibition on disposing of snow in the public ways.

3. Colleen T. Aguirre, 2922 Churchill Lane, Highland, resident and President of SOS (Share with our Soldiers), shared a compliment from her grand daughter, a Highland Public School student, regarding the recent response to the telephone bomb threat.

Ms. Aguirre also indicated that she would inform the Council when the next date of the packing event for shipments to the serving Soldiers would be conducted to ready parcels for Valentines Day.

Ms. Aguirre also commended the Town's elected officers, characterizing them as "elected officials" and not "politicians".

**Payment of Accounts Payable Vouchers.** There being no further comments from the public or visitors, Councilor Kuiper moved to allow the vendor accounts payable vouchers as filed on the pending accounts payable dockets, covering the periods January 15, 2015 through January 26, 2015. Councilor Wagner seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors was allowed, payments allowed in advance were ratified, and the Clerk-Treasurer was authorized to make payment.

#### **Vendors Accounts Payable Docket:**

**General Fund, \$195,557.32; Motor Vehicle Highway and Street (MVH) Fund, \$64,168.85; Local Roads and Streets (LR&S) Fund, \$2,638.00; Law Enforcement Cont. Education and Supply Fund, \$975.35; Gasoline Fund, \$19,407.04;**

**Information and Communications Technology Fund, \$7,168.59; Solid Waste District Grant Fund, \$6,946.81; Special Events Non Reverting Fund, \$5,254.54; Cumulative Capital Improvement Fund, \$65,614.04; Traffic Violations Fund, \$9,192.00; Gaming Revenue Sharing Fund, \$28,489.34; Public Safety Income Tax Fund, \$117,359.29; Total: \$ 522,771.17.**

**Adjournment.** Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, January 26, 2015 was adjourned at 7:49 O'clock p.m.

The Town Council President again noted that there would be a brief meeting of he and Councilor Wagner, to interview and allow Councilor Wagner to become acquainted with incumbent members of the Redevelopment Commission, Dominic Noce, Greg Kuzmar, and James Kessler, all of whom were seeking re-appointment.

The Town Council President and Councilor Wagner did meet with and interview Dominic Noce, James Kessler, and Greg Kuzmar of the Redevelopment Commission.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer